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REMARKS

The present response is to the Office Action mailed in the above-referenced case on April 15, 2004. Claims 17-22 and 31-36 are pending in the application. The Examiner has reversed the indicated allowance of the previous Office Action in view of new grounds of rejection. Claim 31 is objected to under 35 U.S.C. 112. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartow et al. (US 5,357,608) hereinafter Bartow. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartow in view of Galays et al. (U.S. 6,205,157 B1) hereinafter Galays. Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartow in view of Galays and further in view of Prentice et al. (US 6,397,042 B1) hereinafter Prentice. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartow in view of Hall (US 4,903,321) hereinafter Hall. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartow in view of Hall and further in view of Galays. Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartow, Hall and further in view of Galays.

Regarding the Examiner's objection to claim 31, applicant herein corrects the language by amendment. Applicant further presents arguments which clearly distinguish applicant's claimed invention over that of the art presented by the Examiner.

Regarding claims 17 and 18, the Examiner states that Bartow teaches requesting synchronization from a first device to a second device when the first device does not have synchronization (interleave logic 220 and 230); receiving a request for synchronization at a first device from a second device, the first device then becoming synchronized (column 2, lines 3-5); transmitting data from a first device to a second device, the first device being synchronized, the first device

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having received from the second device a synchronization signal indicating that the second device is synchronized (column 2, lines 4-49).

Applicant respectfully disagrees with the Examiner's interpretation of Bartow. Bartow first describes the interleave logic 220 and 230 in column 17 of his specification regarding figure 8a. Bartow does not mention synchronization until line 57 of col. 17 which begins a process after synchronization has occurred. There is absolutely no teaching, regarding interleave logic 220 and 230 of synchronization requests from one device to another.

The Examiner relies on col. 2, lines 3-5 of Bartow to teach receiving a request for synchronization at the first device from the second device. Firstly the description in column 2 has nothing to do with said interleave logic. Further lines 3-5 of col. 2 of Bartow merely state that the first step is to synchronize the transceivers or wait a specified length of time. Applicant argues that there is no teaching of sending sync requests between devices as claimed. Bartow is very specific to communication between devices occurring only on "Allowed Operational links" which is therefore link specific, not device specific as claimed.

Applicant believes claim 17 is patentable as argued above. Claims 18-22 are patentable on their own merits, or at least as depended from a patentable claim.

The Examiner rejects claim 31 stating that Bartow is relied upon as in claim 17. Bartow differs from the claimed invention in that it does not further show the step of "excepting for a single condition that all bad control words received at the thresholds number are separated by a synchronized data packet."

The Examiner relies on Hall to teach that all bad control messages (col. 33, lines 33-36) received in the SWR thresholds (col. 11, lines 20-57) being separated (col. 6, lines 15-18) by a synchronized (col. 34, lines 38-44) packet (col.

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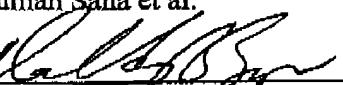
45, lines 42-44).

Applicant takes issue with the piecemeal manner the Examiner picks words from Hall from different columns to read on applicant's claimed invention. The Examiner uses teachings from 5 separate columns, from 6 to 45, to read on "all bad control words received in the threshold number are separated by a synchronized data packet". Applicant's claim describes a "synchronized data packet", the word "synchronized" describes the data packet and therefore should at least be in the same column if not in the same sentence. Further, Hall teaches standing wave radio thresholds SWR, which applicant argues, is not in analogous art as the invention currently at issue.

In view of applicant's above arguments regarding Bartow and Hall, applicant believes claim 31 is also patentable over the art. Claims 32-36 are patentable on their own merits, or at least as depended from a patentable claim.

It is therefore respectfully requested that this application be reconsidered and that this case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully submitted
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